

THE HONORABLE MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

THE SECOND AMENDMENT
FOUNDATION; THE CITIZENS
COMMITTEE FOR THE RIGHT TO KEEP
AND BEAR ARMS; LIBERTY PARK
PRESS; MERRIL MAIL MARKETING;
CENTER FOR THE DEFENSE OF FREE
ENTERPRISE; SERVICE BUREAU
ASSOCIATION; and ALAN GOTTLIEB,

Plaintiffs,

v.

ROBERT FERGUSON, individually and in his
official capacity as Washington Attorney
General; JOSHUA STUDOR, individually and
in his official capacity as Washington Assistant
Attorney General, Consumer Protection
Division; THE ATTORNEY GENERAL'S
OFFICE FOR THE STATE OF
WASHINGTON; and JOHN DOES 1-10,

Defendants.

NO. 2:23-cv-01554-TSZ

**PLAINTIFFS' MOTION FOR LEAVE TO
FILE AN OVER-LENGTH BRIEF IN
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

NOTE ON MOTION CALENDAR:

NOVEMBER 10, 2023

Pursuant to LCR 7(f), Plaintiffs hereby respectfully move for leave to file a brief that exceeds the word count limitation of LCR 7(e)(3). Although Plaintiffs' complaint contains over thirty pages of factual allegations and this is the third court proceeding associated with the matter,

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1 State Defendants' motion to dismiss contains less than two pages on the factual background and
 2 procedural history of the case. This perfunctory treatment is by design. The bulk of State
 3 Defendants' 8,305-word motion is dedicated to presenting at least ten independent grounds that it
 4 believes support dismissal, each of which depends in part or in whole on the theory that SAF
 5 failed to present "specific factual allegations" in support of its claims. Mot. at 5.

6 In order to effectively answer these arguments, Plaintiffs' opposition must present the
 7 detailed factual background State Defendants did not include and, in each instance, discuss the
 8 "specific factual allegations" State Defendants failed to acknowledge or engage with. Plaintiffs
 9 must then provide the legal analysis that responds to State Defendants' arguments. Plaintiffs also
 10 must discuss the ramifications of State Defendants' prior procedural moves, which include
 11 removing this case to federal court despite their previous and ongoing arguments that this Court
 12 lacks jurisdiction and must abstain from hearing the case. Given the amount of ground that must
 13 be covered, Plaintiffs' opposition must by necessity be longer than State Defendants' motion.

14 Plaintiffs therefore request an additional half-motion length (4,200 words) to respond,
 15 bringing the limit to 12,600 words. They consent to State Defendants' being permitted 6,300
 16 words in reply as provided in LCR 7(f)(4).

17
 18 DATED: November 10, 2023.

This motion contains 260 words per LCR 7(e).

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CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2023, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/ Wen Cruz
Wen Cruz